REMARKS

Claims 7-15 and 25-27 are pending. No amendments have been made.

Claims 7-15 and 25-27 have been rejected under 35 U.S.C. 102(b) as being anticipated by Hostettler et al, US 5,662,960). According to the Office Action, " Hostettler et al discloses the claimed invention in col. 18-50, especially col. 31, lines 9-15." Applicant disagrees.

The factual determination of anticipation requires the disclosure in a single reference of every element of the claimed invention. *In re Robertson*, 49 USPQ2d 1949 (Fed. Cir. 1999); *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994); *Continental Can Co. USA Inc. v. Monsanto Co.*, 20 USPQ2d 1746 (Fed. Cir. 1991); *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990); *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 7 USPQ2d 1315 (Fed. Cir. 1988); *In re Marshall*, 578 F.2d 301, 198 USPQ 344 (CCPA 1978); *In re Arkley*, 455 F.2d 586, 172 USPQ 524 (CCPA 1972).

Claim 7 recites "A tubular parison for forming a medical device balloon ... the parison having an elongation at break which is not more than 80% of the elongation at break of the bulk polymeric material." Claim 25 recites "An extruded tubular parison for forming a medical device balloon, ... the parison having an elongation at break... the elongation at break being no more than 80% of the elongation at break of the single polymeric material determined on the bulk material according to ASTM D-638."

The 80% maximum elongation recitations of claims 7 and 25 are not met inherently merely by showing an extruded parison has been produced. The application at page 7, lines 16-28 demonstrates the contrary.

With this in mind, Hostettler et al's disclosure in col. 18-50 has been reviewed. Nothing has been found there that discusses a tubular parison having an elongation at break that is not more than 80% of the elongation at break of the bulk polymer material. Hostettler et al pertains to coatings that may be applied to various kinds of medical devices, and device precursors such as balloon parisons, but there is nothing that has been found that refers to providing a parison that has an elongation at break that is not more than 80% of the elongation at break of the bulk polymeric material.

The Examiner has specifically cited col. 31, lines 9-15 of Hostettler et al. The cited disclosure is the following:

> For the purpose of achieving suitable reaction conditions during the prepolymer formation step, the total solids content of the reactants utilized in the prepolymer synthesis can vary over a wide range, for example from about 20%, by weight, to as high as about 80%, by weight. A preferred range is from about 30%, by weight, to about 70%, by weight, and a most preferred range is from about 40%, by weight, to about 60%, by weight.

This statement pertains to the percentage range of solids in a solvent solution used to form a prepolymer which, in turn is used in forming Hostetter's coating. It does not pertain to a polymer elongation property, to a parison elongation property or to a parison extrusion condition. It has no relevance whatsoever to the claimed invention.

The only disclosure in Hostettler et al that has been found that relates to parison formation is the following sentence: "Parisons are formed by direct extrusion of the plastic substrate material." (col. 34, lines 58-59). This does not teach to control the extrusion in any particular way and it says nothing about relative elongation properties of parisons and the bulk polymers from which they are made.

Because Hostettler et al does not disclose preparation of a medical device balloon parison having an elongation at break which is not more than 80% of the elongation at break of the bulk polymeric material, and because mere disclosure of an extruded parison does not inherently meet this recitation, there is no anticipation by Hostettler et al. Withdrawal of the rejection is therefore respectfully requested.

In view of the foregoing the application is believed to be in condition for allowance, early and favorable action thereon is requested.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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By: _____

Walter J. Steinkraus
Registration No.: 29592

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
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